

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

UNITED STATES DISTRICT COURT

FEB 13 2020

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America )

v. )

Ricardo VARGAS )

YOB: 1998 )

United States Citizen )

) Case No. M-20-411-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 12, 2020 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

*Code Section*

18 USC § 922(g)(1)

*Offense Description*

Unlawful possession of a firearm or ammunition, to wit: twenty-three (23) rounds of ammunition, which have affected interstate commerce, by an individual having been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

This criminal complaint is based on these facts:

See Attachment A.

Continued on the attached sheet.

*Approved by*

*ZJ*

*JH*

Complainant's signature

Vincent Rubbo, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

*2/13/20 - 5:26pm.*

Date: 02/14/2020

*JFA*

Judge's signature

Juan F. Alanis, U.S. Magistrate Judge

Printed name and title

City and state: McAllen, Texas

**ATTACHMENT A**

The facts establishing the foregoing issuance of an arrest warrant are based on the following:

I, Special Agent Vincent Rubbo, affiant, do hereby depose and state the following:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since January of 2015. My duties include the investigation of violations of the federal firearms laws. I know it to be unlawful for any person who is a convicted felon, to possess or receive a firearm or ammunition which has been shipped or transported in interstate or foreign commerce. This criminal complaint is based on the following facts:
2. On February 12, 2020, Special Agents (SAs) with Homeland Security Investigations (HSI) executed a Federal search warrant at a residence located in Mission, Texas. During the execution of the search warrant, SAs found one of the occupants, Ricardo VARGAS, in the residence. HSI SAs discovered twenty-three (23) rounds of assorted caliber ammunition located in VARGAS' bedroom. HSI SAs also discovered a Kimber Pro Crimson Carry II .45 caliber pistol in the residence.
3. During a post-Miranda interview by HSI SAs, VARGAS stated the ammunition was his brother's, but he had brought the ammunition into the residence and was storing it in his bedroom. In addition, VARGAS admitted to knowing he is a convicted felon and could not legally possess a firearm or ammunition. Furthermore, VARGAS stated he fired a Kimber pistol on New Year's Day in 2019, which would have occurred while under felony indictment for the following felony offenses.
4. VARGAS having been convicted on October 31, 2019, of a crime punishable by imprisonment for a term exceeding one year, namely Theft of \$2,500 or More but Less than \$30,000; Theft of a Firearm (Case CR-3187-18-J); and Smuggling of Persons (CR-3223-18-J), in the 430th District Court of Hidalgo County, Texas, did knowingly and unlawfully possess in and affecting interstate or foreign commerce, twenty-three (23) rounds of ammunition.
5. Lastly, an ATF Special Agent trained in Firearms Interstate Nexus examined the firearm and ammunition and determined the firearm and assorted caliber ammunition were manufactured outside the state of Texas, therefore traveled in and affected interstate commerce.

**ATTACHMENT A**

The facts establishing the foregoing issuance of an arrest warrant are based on the following:

I, Special Agent Vincent Rubbo, affiant, do hereby depose and state the following:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since January of 2015. My duties include the investigation of violations of the federal firearms laws. I know it to be unlawful for any person who is a convicted felon, to possess or receive a firearm or ammunition which has been shipped or transported in interstate or foreign commerce. This criminal complaint is based on the following facts:
2. On February 12, 2020, Special Agents (SAs) with Homeland Security Investigations (HSI) executed a Federal search warrant at a residence located in Mission, Texas. During the execution of the search warrant, SAs found one of the occupants, Ricardo VARGAS, in the residence. HSI SAs discovered twenty-three (23) rounds of assorted caliber ammunition located in VARGAS' bedroom. HSI SAs also discovered a Kimber Pro Crimson Carry II .45 caliber pistol in the residence.
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5. Lastly, an ATF Special Agent trained in Firearms Interstate Nexus examined the firearm and ammunition and determined the firearm and assorted caliber ammunition were manufactured outside the state of Texas, therefore traveled in and affected interstate commerce.